

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-55837

Issue No: 2009

Case No: [REDACTED]

Hearing Date:

December 2, 2010

Clinton County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on December 2, 2010, in St. Johns. The claimant personally appeared and testified under oath. The claimant was represented by [REDACTED] from [REDACTED].

The department was represented by Mary-Jo Cupples (Hearing Coordinator/ES).

Claimant requested additional time to submit new medical evidence. Claimant waived the timeliness requirement so his new medical could be reviewed by SHRT.

ISSUES

- (1) Did claimant establish a severe mental impairment expected to preclude him from substantial gainful work, **continuously**, for one year (MA-P)?
- (2) Did claimant establish a severe physical impairment expected to preclude him from substantial gainful work, **continuously**, for one year (MA-P)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant is an MA-P/retro applicant (February 24, 2010) who was denied by SHRT (October 11, 2010) based on claimant's ability to perform unskilled light work. SHRT relied on Med-Voc Rule 202.10 as a guide.
- (2) Claimant's vocational factors are: age--50; education—11th grade; post high school education--GED; work experience—[REDACTED] [REDACTED]—janitor; also employed as a janitor and furniture factory worker.
- (3) Claimant has not performed Substantial Gainful Activity (SGA) since he was employed by the Department of Corrections as a floor janitor in 2007.
- (4) Claimant has the following unable-to-work complaints:
 - (a) Two recent bypass surgeries;
 - (b) Peripheral vascular disease;
 - (c) History of heart disease;
 - (d) Abdominal adhesions;
 - (e) Abdominal pain;
 - (f) Chronic back pain; and
 - (g) Chronic pain in both legs.
- (5) On February 15, 2011, the Social Security Administration approved claimant for SSI benefits with a disability onset date of December 28, 2009.

CONCLUSIONS OF LAW

LEGAL BASE

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

On or about February 15, 2011, the Social Security Administration approved claimant for SSI benefits with a disability onset date of December 28, 2009. Therefore, the Administrative Law Judge does not have jurisdiction to rule on the issue of disability at this time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant meets the MA-P disability requirements under BEM 260.

Claimant is disabled for MA-P purposes based on the recent approval of his RSDI benefits by the Social Security Administration.

Accordingly, the department's denial of claimant's MA-P application is, hereby, REVERSED.

If claimant meets the relevant financial eligibility requirements, the department shall open claimant's MA, effective December 2009.

SO ORDERED.



Jay W. Sexton
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 8, 2011

Date Mailed: July 11, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JWS/tg

cc:

